

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

LUIS SANCHEZ BETANCES, et al.,

Plaintiffs,

v.

**ASPEN AMERICAN INSURANCE
COMPANY, et al.,**

Defendants.

Civil No. 18-1437 (ADC)

ORDER

Before the Court is a partial motion to dismiss filed by defendants Aspen American Insurance Company and Osvaldo Carlo Linares (“defendants”). **ECF No. 8.** Plaintiffs Luis Sanchez-Betances and Antillana, LLC timely opposed the motion. **ECF No. 11.** Defendants filed a surreply with leave of the Court. **ECF Nos. 17, 18.** The Court then referred the partial motion to dismiss to Magistrate Judge Bruce J. McGiverin for a Report and Recommendation (“R&R”). **ECF No. 20.** Magistrate Judge McGiverin issued an R&R recommending granting defendants’ motion. **ECF No. 22.** The R&R indicated that the parties had fourteen days to file an opposition thereto. **ECF No. 22.** That deadline expired on February 7, 2019, without opposition. The R&R is now ripe for the Court’s consideration.

After carefully reviewing the filings and the R&R, the Court hereby **ADOPTS** the R&R in full. For the reasons explained in the R&R, defendants’ partial motion to dismiss plaintiffs’

negligence claims for depreciation/ loss of market value and loss of enjoyment under P.R. Laws Ann., tit. 31, § 5141 (“Article 1802”), is **GRANTED. ECF No. 18.** *See ECF No. 1* at 17–18.

All parties shall inform the Court within **20 days** of the date of this order whether the consent to the trial jurisdiction of a Magistrate Judge. Within the same time, the parties shall submit a joint proposed scheduling memorandum for the case.

SO ORDERED.

At San Juan, Puerto Rico, on this 13th day of March, 2019.

S/AIDA M. DELGADO-COLÓN
United States District Judge